SEP 0 7 2004 B Pragationer's Docket No. <u>U 014735-7</u>

**PATENT** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_		Inventor(s)
for		Title of invention
	·	OR
In re a	application of: SELVAKUMAR	NATESAN, et al
Applio	cation No.: 10/632,950	Group No.: N/A
Filed:	AUGUST 1, 2003	Examiner: N/A
For:		OMPOUNDS HAVING ANTIBACTERIAL HEIR PREPARATION AND PHARMACEUTICAL NG THEM
P. O.	nissioner for Patents Box 1450 ndria, VA 22313-1450	
		FORMATION DISCLOSURE STATEMENT REE MONTHS OF FILING OR
	CERTIFICAT	FIRST OFFICE ACTION (37 C.F.R. 1.97(b))  TON UNDER 37 C.F.R. 1.8(a) and 1.10*
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certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b): (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date. Each U.S. patent application published listed in an information disclosure statement (2) shall be identified by applicant, patent application publication number, and publication Each U.S. application listed in an information disclosure statement must be identified (3) by the inventor, application number, and filing date. Each foreign patent or published foreign patent application listed in an information (4) disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application. Each publication listed in an information disclosure statement must be identified by (5) publisher, author (fi any), title, relevant pages of the publication,,date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

# IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

"An action on the merits means an action which treats the patentability of the claims in an application, as NOTE: opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. I and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.

SIGNATURE OF PRACTITIONER

Reg. No. 33,778

Tel. No.: (212)708-1887

Customer No.: 00140

JANET I. CORD

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP 26 West 61st Street New York, N.Y. 10023



**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SELVAKUMAR NATESAN, et al

Application No.: 10/632,950 Filed: AUGUST 1, 2003

Group No.: N/A

Examiner: N/A

For:

NOVEL HETEROCYCLIC COMPOUNDS HAVING ANTIBACTERIAL

ACTIVITY: PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL

COMPOSITIONS CONTAINING THEM

Attorney Docket No.: U 014735-7

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 Sir:

### **INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references which are also listed on the attached Form PTO-1449.

Respectfully submitted,

JANET I. CORD LADAS & PARRY LLP 26 WEST 61<sup>ST</sup> STREET NEW YORK, NEW YORK 10023

REG.NO.33,778(212)708-1935

### **CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10**

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

#### MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

⋈ with sufficient postage as first class mail.

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office (703)

Date: August 30, 2004

Signature

Janet I. Cord

(type or print name of person certifying)

• Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FORM PTO-1449

U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.				
U 014735-7	10/632,950				
APPLICANT					
Selvakumar NATESAN ET AL.					
FILING DATE	GROUP				
08/01/2003	1625				

DC						1625		
	FERE	NCE DESIGNATION		U.S. PATENT DOCU	MENTS			
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME		FILING DATE IF APPROPRIATE		
	АА	6,124,334	09/2000	Hutchinson				
	АВ	4,174,958	11/1979	Pilgram				
	AC	3,651,079	03/1972	Skorez et al.				
	AD							
			FOREIGN PATE	ENT DOCUMENTS				
		DOCUMENT NUMBER	DATE	COUNTRY		ANSLATION		
	AE	11-322729	11/1999	JP	YES	NO		
	AF	3536066	04/1986	DE		X		
	AG	2357591	05/1974	DE		×		
	АН	95/07271	03/1995	wo		<del>                                     </del>		
	Al	01/09107	02/2001	wo				
	AK	96/13502	05/1996	wo				
		OTHER ART	(Including Auth	or, Title, Date, Pertin	ent Dates, Etc.)			
	AL	Patent Abstracts of Ja			<del></del>	vember 24, 1999		
	АМ	German Publication DE 3536066, dated April 17, 1986						
	AN	German Publication DE 2357591, dated May 22, 1974						
	ΑO	Melissaris, A. P. and J. A. Mikroyannidis. "Thermally Stable Polymers Based on Bismaleimides Containing Amide, Imide and Ester Linkages", <i>J. Polymer Science: Polymer Chemistry Part A</i> (1989), 27: 245-262						
	ΑР	Artico, M. et al. "Research on Compounds with Antiblastic Activity", Il Farmaco - Ed. Sci., (1969), 24(2): 179-190						
	ΔQ	Ueda, Minoru et al. "Syntheses and Novel Bioactivities of Artificial Leaf-Opening Substances of Lespedeza Cuneata G. Don, Designed for the Bioorganic Studies of Nyctinasty", Tetrahedron (1999), 55: 10925-10936						
	AR	Ricca, Jean-Marc and Novel Hydrolytic React	David H.G. Crout. '	'Selectivity and Spec	ificity in Substrate	Binding to Proteases:		
	An	1225-1233				m mans. 1 (1993),		

Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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DOCUMENT NUMBER   DATE   COUNTRY   TRANSLATION   YES   NO		AD							
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FORM PTO-1449

# U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.
U 014735-7	10/632,950
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Selvakumar NAT	ESAN ET AL.
FILING DATE	GROUP
08/01/2003	1625

		DOCUMENT				
		NUMBER	DATE	NA	FILING DATE IF APPROPRIATE	
` Δ	AΑ	6,124,334	09/2000	9/2000 Hutchinson		
	ΑВ	4,174,958	11/1979	Pilgram		
Δ	AC	3,651,079	03/1972	Skorez et al.		
Δ	AD	4,910,341	03/1990	Lang		
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Д	AΕ	11-322729	11/1999	JP		×
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A	AL	Patent Abstracts of J	apan English languag	je abstract of JP 11-	322729, dated No	vember 24, 1999
Α	U.S. Patent 4,910,341 corresponding to German Publication DE 3536066, dated April 17, 1986  U.S. Patent 3,963,706 corresponding to German Publication DE 2357591, dated May 22, 1974  AN  Melissaris, A. P. and J. A. Mikroyannidis. "Thermally Stable Polymers Based on Bismaleimides Containing Amide, Imide and Ester Linkages", <i>J. Polymer Science: Polymer Chemistry Part A</i> (198: 27: 245-262  Artico, M. et al. "Research on Compounds with Antiblastic Activity", <i>Il Farmaco - Ed. Sci.</i> , (1969 24(2): 179-190					April 17, 1986
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FORM PTO 1449 U. S DEPARTMENT OF COMMERCE					ATTY. DOCKET NO.		SERIAL NO.
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